

## **REMARKS**

### **Response to Note to Applicants**

The Office Action alleges that the term “wherein,” “for,” and “in order to” may be interpreted as intended use.

It is unclear in which instance for example, the term “wherein” may be followed by language merely reciting an intended use. If certain parts of the claims are alleged to be merely intended use, applicants request that the Office Action clearly identify such instances.

Even though applicants disagree with the allegations, some amendments to the form of the claims are made to further clarify that certain recitations do not merely recite intended use.

### **Claim Amendments and Rejection Under 35 USC § 101 and 112**

Applicants disagree with the rejections, but amended the claims to further clarify the same. Accordingly, the issues/allegations are moot in view of the amendments to the claims.

Nevertheless, please consider the following.

The Office Action alleges that there is no step disclosed for outputting or displaying a human observable result. Such is an incorrect allegation. The recitation of an interactive computer conveys that there is interaction, which means there is an observable output or display. See also claim 11 step g) reciting an output device.

The Office Action also alleges that there is no recitation of a tangible computer readable medium. Clearly, the claims recite and recited a computer. See, e.g., steps c) and i), for example in claim 1.

### **Claim Amendments and Rejection Under 35 USC § 103**

The Office Action rejects the claims as allegedly obvious over the combination of Teitelbaum in view of Fey.

Teitelbaum merely discloses an automated questioner for assisting in the diagnosis and treatment of Fibromyalgia and Chronic Fatigue Syndrome (column 1, lines 13-17). Teitelbaum is absolutely silent about allergic diseases and does not provide a single hint, whereby a person skilled in the art would be lead to this therapeutic field. For at least reason, the claimed embodiments of the present invention are inventive over Teitelbaum.

The Office Action alleges, that most features of claims 1 and 11 are disclosed by Teitelbaum and that Teitelbaum discloses a method for recording and analyzing syndromes

and their causes for establishing appropriate therapy proposals comprising:

- a) preparing at least one set of anamnesis questions relating to time and/or cause of occurrence, severity, symptoms and the environmental exposure of the patient

However, Teitelbaum merely discloses a basic symptom information only with respect to symptoms, side effects and the dosage of medicaments and the assignment of point values to determine a possible diagnosis, but is totally silent about questions with respect to time and/or cause of occurrence and severity of the symptoms and the environmental exposure of the patient, which are of very high importance for patients suffering from allergic diseases, which includes a risk of an anaphylactic shock mediated by environmental allergens or medicaments for specific immunotherapy or desensibilization, respectively.

- b) preparing a set of data relating to causes of diseases, including a listing of allergens and storing this data set in a data memory, wherein the data are continuously revised and extended

However, Teitelbaum merely discloses that a personal data set of the patient is created but not that the actual scientific knowledge with respect to allergens and mechanisms and causes of allergies are continuously revised, extended and brought into the system, being an essential part of the inventive method or system, besides the patient data. Furthermore, in Teitelbaum's system the patient's data are not compared with the data of other patients.

- c) providing a computer program which selects and presents anamnesis questions according to predetermined rules

However, the paragraph cited by the Office Action merely discloses that the questionnaire is broken up into a system checklist to find the root of the problem of the patient with questions directed to the psychology of the patient or yeast, being one significant factor in the cause of Fibromyalgia and Chronic Fatigue Syndrome.

Furthermore, as the Office Action admits, Teitelbaum fails to disclose that the data are stored in anonymized form.

Fey discloses storage in anonymized form, but it discloses it in a networked medical database system, and therefore, there is another ground for the storage of patient data in anonymized form than in the method or system of Teitelbaum, which is not a networked or publicly accessible system. Accordingly, there is no reason for the combination of these references.

As the Office Action admits, Teitelbaum further fails to disclose selecting comparable

data based on the user's answer.

Fey discloses a networked health screening system that queries a database of a population for similar trends and results, but Fey does not disclose a diagnosing and treatment proposal system for allergic diseases and does not disclose that the actual scientific knowledge with respect to allergens and mechanisms and causes of allergies are continuously revised, extended and brought into the system.

Thus, even a combination of these documents leaves many gaps of features recited in the claims, which are essential for the method or system of the present invention.

Additionally, neither Fey nor Teitelbaum give a single hint to a method system for recording and analyzing syndromes and their causes for establishing appropriate therapy proposals for allergic diseases and therefore neither one single reference nor a combination of both would lead to the present invention. As such, one of ordinary skill in the art would not have even combined these references.

For all the foregoing reasons, reconsideration is respectfully and courteously requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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Attorney Docket No.: Merck-3589

Date: July 16, 2009

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